

CERTIFYING SERVICE WHEN USING AN APPROVED NOTICE PROVIDER

Judge Humphrey approves of the use of notice providers for completing service. However, whether or not the services of a notice provider are utilized, the timing of service of motions and applications in relation to the filing of such motions and applications must continue to comply with the applicable Federal Rules of Civil Procedure. Because it is not appropriate to certify that service will be accomplished in the future, service by the notice provider must be completed within a reasonable amount of time prior to any motion or application being filed with the court. See Fed. R. Civ. P. 5(d)(1). In addition, the Declaration of Mailing – Certificate of Service (“Declaration”) generated by the notice provider should be filed concurrently with the motion or application.

In order to properly certify service when using a notice provider, include a certificate of service in the motion or application and attach or concurrently file the Declaration as a separate document. The court suggests using the Sample Certificate of Service contained in Local Bankruptcy Rule 9013-3 in the motion or application, revised as redline below:

CERTIFICATE OF SERVICE

Service by ordinary U.S. Mail on the Debtor(s) and the creditor matrix (or all creditors) is certified in the accompanying Declaration of Mailing and Certificate of Service and was completed on (month) (day), (year).

I hereby certify that a copy of the foregoing (specific name of filing) was served (i) **electronically** on the date of filing through the court’s ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) *(use ii) if service by certified mail is additionally required on some parties)* by ~~ordinary U.S. Mail~~ certified mail, return receipt requested on (month), (day), (year) addressed to:

(Name)

(Mailing address)

Name

or other language to that effect. If certified mail service is not required, that particular language may be deleted.

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